

House File 697

H-1740

1 Amend House File 697 as follows:

2 1. Page 3, line 2, after <employees> by inserting
3 <subject to that section>

4 2. Page 26, after line 16 by inserting:

5 <c. Notwithstanding paragraph "b" of this
6 subsection, the searchable database shall not
7 include information regarding travel by officers and
8 employees of the department of public safety occurring
9 in relation to or during the course of criminal
10 investigations, including but not limited to undercover
11 operations.>

12 3. Page 26, line 26, by striking <7D.2> and
13 inserting <7E.2>

14 4. Page 27, by striking lines 5 through 27 and
15 inserting:

16 <Sec. _____. Section 99D.14, subsection 2, Code 2011,
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. c. Notwithstanding sections 8.60
19 and 99D.17, the portion of the fee paid pursuant to
20 paragraph "a" relating to the costs of the commission,
21 shall not be deposited in the general fund of the
22 state but instead shall be deposited into the gaming
23 regulatory revolving fund established in section
24 99F.20.

25 Sec. _____. Section 99F.10, subsection 4, Code 2011,
26 is amended by adding the following new paragraph:

27 NEW PARAGRAPH. c. Notwithstanding sections 8.60
28 and 99F.4, the portion of the fee paid pursuant to
29 paragraph "a" relating to the costs of the commission,
30 shall not be deposited in the general fund of the
31 state but instead shall be deposited into the gaming
32 regulatory revolving fund established in section
33 99F.20.>

34 5. Page 27, by striking lines 30 through 35 and
35 inserting:

36 <1. A gaming regulatory revolving fund is created
37 in the state treasury under the control of the
38 department of inspections and appeals. The fund
39 shall consist of fees collected and deposited into the
40 fund paid by licensees pursuant to section 99D.14,
41 subsection 2, paragraph "c", and fees paid by licensees
42 pursuant to section 99F.10, subsection 4, paragraph
43 "c". All costs relating to>

44 6. Page 28, line 20, after <possible.> by inserting
45 <Periodic billings shall be deemed sufficient to
46 satisfy this requirement.>

47 7. Page 31, line 2, after <possible.> by inserting
48 <Periodic billings shall be deemed sufficient to
49 satisfy this requirement.>

50 8. Page 31, line 19, after <appropriation.> by

1 inserting <Appropriations from the revolving fund
2 shall not be subject to the provisions of section 8.31,
3 subsection 5.>

4 9. Page 34, after line 17 by inserting:

5 <Sec. ____ . MEDICAID FRAUD FUND TRANSITION.

6 1. Unencumbered and unobligated moneys in and
7 moneys reverting to the Medicaid fraud account created
8 in section 249A.7, Code 2011, on or after June 30,
9 2011, shall be credited to the Medicaid fraud fund
10 created in section 249A.7, by this division of this
11 Act.

12 2. The appropriations made from the Medicaid fraud
13 account for the fiscal years beginning July 1, 2011,
14 and July 1, 2012, shall instead be charged to the
15 Medicaid fraud fund created in section 249A.7, by this
16 division of this Act.

17 3. This section of this Act, being deemed of
18 immediate importance, takes effect upon enactment, and,
19 if this Act is approved by the governor on or after
20 July 1, 2011, subsection 1 of this section applies
21 retroactively to June 30, 2011.>

22 10. Page 45, after line 17 by inserting:

23 <Sec. ____ . DEPARTMENT OF INSPECTIONS AND
24 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
25 APPROPRIATION. There is appropriated from the Medicaid
26 fraud fund created in section 249A.7 to the health
27 facilities division of the department of inspections
28 and appeals for the fiscal year beginning July 1, 2012,
29 and ending June 30, 2012, the following amount, or
30 so much thereof as is necessary, to be used for the
31 purposes designated:

32 For salaries, support, maintenance, and
33 miscellaneous purposes:
34 \$ 552,500>

35 11. Page 59, before line 16 by inserting:

36 <i. Of the moneys appropriated in paragraph "a",
37 not more than \$50,000 may be used for administration of
38 the watershed improvement review board.>

39 12. Page 61, after line 27 by inserting:

40 <DIVISION ____
41 AGRICULTURE AND NATURAL RESOURCES
42 DEPARTMENT OF NATURAL RESOURCES
43 USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION
44 FUND FOR FY 2010-2011

45 Sec. ____ . USE OF MONEYS — RADIOS. Notwithstanding
46 2011 Iowa Acts, chapter 1191, section 7, The department
47 of natural resources may use the unappropriated
48 balance remaining in the state fish and game protection
49 fund for the fiscal year beginning July 1, 2010,
50 and ending June 30, 2011, to purchase mobile radios

1 to meet federal and state requirements for homeland
2 security and public safety. This section applies to
3 those moneys in the fund that are not otherwise used,
4 obligated, or encumbered for payment of health and
5 life insurance premium payments for conservation peace
6 officer retirements for that fiscal year.

7 Sec. ____ . EFFECTIVE UPON ENACTMENT AND RETROACTIVE
8 APPLICABILITY. This division of this Act, being deemed
9 of immediate importance, takes effect upon enactment
10 and, if approved by the governor on or after July 1,
11 2011, shall apply retroactively to June 30, 2011.>

12 13. Page 65, by striking lines 23 and 24.

13 14. By striking page 65, line 31, through page 67,
14 line 10, and inserting:

15 < ____ . The council shall be composed of the
16 following voting members:

17 a. The secretary of agriculture or the secretary's
18 designee.

19 b. Members appointed by the designated
20 organizations, at the discretion of the organization,
21 to represent the private sector as follows:

22 (1) One person by the practical farmers of Iowa who
23 is involved in local food production.

24 (2) One person by the Iowa farmers market
25 association.

26 c. Members appointed by the governor to represent
27 public or private entities involved in local food
28 distribution, marketing, or processing as follows:

29 (1) One person who is associated with a resource
30 conservation and development office in this state.

31 (2) One person actively engaged in the distribution
32 of local food to processors, wholesalers, or retailers.

33 (3) One person from the regional food systems
34 working group who is actively engaged or an expert in
35 local food.

36 ____ . A member designated by the secretary of
37 agriculture shall serve at the pleasure of the
38 secretary. A member appointed by an organization shall
39 serve at the pleasure of that organization. A member
40 appointed by the governor shall serve at the pleasure
41 of the governor.>

42 15. Page 67, line 15, by striking <voting>

43 16. Page 67, line 18, by striking <voting>

44 17. Page 67, line 21, by striking <voting>

45 18. Page 67, line 24, by striking <voting>

46 19. By striking page 67, line 34, through page 68,
47 line 5, and inserting:

48 <The position of local food and farm program
49 coordinator is created within Iowa state university
50 as part of its cooperative extension service in

1 agriculture and home economics. The coordinator shall
2 be the primary state official charged with carrying out
3 the purposes and goals of this chapter.>

4 20. Page 68, by striking lines 18 and 19 and
5 inserting <section 267A.6. The fund shall be managed
6 by the department in consultation with the local food
7 and farm coordinator, under the supervision of the
8 local>

9 21. Page 68, by striking lines 33 through 35.

10 22. Page 69, line 3, by striking <1.>

11 23. Page 69, line 6, after <chapter.> by inserting
12 <The report shall be delivered to the governor and
13 general assembly not later than October 1 of each
14 year.>

15 24. Page 69, by striking lines 7 through 28.

16 25. Page 86, after line 17 by inserting:

17 <7. IOWA COMMISSION ON VOLUNTEER SERVICE

18 For allocation to the Iowa commission on volunteer
19 service for the Iowa's promise and mentoring
20 partnership programs and for transfer to the Iowa state
21 commission grant program:

22 \$ 100,000

23 Notwithstanding section 8.33, moneys appropriated in
24 this subsection that remain unencumbered or unobligated
25 at the close of the fiscal year shall not revert but
26 shall remain available for expenditure for the purposes
27 designated until the close of the succeeding fiscal
28 year.>

29 26. Page 99, after line 28 by inserting:

30 <7. IOWA COMMISSION ON VOLUNTEER SERVICE

31 For allocation to the Iowa commission on volunteer
32 service for the Iowa's promise and mentoring
33 partnership programs and for transfer to the Iowa state
34 commission grant program:

35 \$ 85,000

36 Notwithstanding section 8.33, moneys appropriated in
37 this subsection that remain unencumbered or unobligated
38 at the close of the fiscal year shall not revert but
39 shall remain available for expenditure for the purposes
40 designated until the close of the succeeding fiscal
41 year.>

42 27. Page 115, line 2, by striking <3,128,877> and
43 inserting <5,428,877>

44 28. Page 147, line 19, by striking <state board of
45 regents> and inserting <department of education>

46 29. Page 158, line 21, by striking <an independent>
47 and inserting <a>

48 30. Page 177, after line 22 by inserting:

49 <__. The department, in consultation with the
50 Iowa pharmacy association and other appropriate

1 entities, shall develop recommendations to replace the
2 reimbursement methodology of average wholesale price
3 minus 12 percent for covered brand-name prescription
4 drugs, generic drugs, and over-the-counter drugs. The
5 department shall report the recommendations to the
6 persons designated in this division of this Act for
7 submission of reports by December 15, 2011.>

8 31. Page 201, by striking lines 8 through 14 and
9 inserting:

10 <(2) (a) For nonstate-owned psychiatric medical
11 institutions for children, reimbursement rates
12 shall remain at the rates in effect on June 30,
13 2011. However, the department shall adjust the
14 reimbursement rates in effect on June 30, 2011, to
15 distribute an additional \$350,000 in reimbursements for
16 nonstate-owned psychiatric medical institutions for
17 children under this subparagraph (2) for the fiscal
18 year. Of the additional \$350,000, the department shall
19 distribute \$50,000 in reimbursements to qualified
20 outpatient services providers. For the purposes of
21 this subparagraph division (a), "qualified outpatient
22 services provider" means a nonprofit agency holding
23 an Iowa psychiatric medical institution for children's
24 license that has an outpatient clinic for children's
25 mental health services in operation on or before
26 January 1, 2011, and whose client base consists
27 of at least 40 percent medical assistance program
28 enrollees. The additional \$50,000 shall be distributed
29 to qualified outpatient services providers based on
30 reimbursement at the federal maximum allowable rate for
31 mental health outpatient services for children.>

32 32. By striking page 230, line 16, through page
33 232, line 12, and inserting:

34 <COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM
35 Sec. _____. NEW SECTION. 16.185 Community housing
36 and services for persons with disabilities revolving
37 loan program fund.

38 1. A community housing and services for persons
39 with disabilities loan program fund is created
40 within the authority to further the availability of
41 affordable housing and supportive services for Medicaid
42 waiver-eligible individuals with behaviors that
43 provide significant barriers to accessing traditional
44 rental and supportive services opportunities. The
45 moneys in the fund are annually appropriated to the
46 authority to be used for the development and operation
47 of a revolving loan program to provide financing to
48 construct affordable permanent supportive housing or
49 develop infrastructure in which to provide supportive
50 services, including through new construction,

1 acquisition and rehabilitation of existing housing or
2 infrastructure, or conversion or adaptive reuse.

3 2. Moneys transferred by the authority for deposit
4 in the community housing and services for persons
5 with disabilities revolving loan program fund, moneys
6 appropriated to the community housing and services
7 for persons with disabilities revolving loan program,
8 and any other moneys available to and obtained or
9 accepted by the authority for placement in the fund
10 shall be credited to the fund. Additionally, payment
11 of interest, recaptures of awards, and other repayments
12 to the community housing and services for persons with
13 disabilities loan program fund shall be credited to
14 the fund. Notwithstanding section 12C.7, subsection
15 2, interest or earnings on moneys in the fund shall be
16 credited to the fund. Notwithstanding section 8.33,
17 moneys credited to the fund from any other fund that
18 remain unencumbered or unobligated at the close of the
19 fiscal year shall not revert to the other fund.

20 3. a. The authority shall annually allocate moneys
21 available in the fund for the development of permanent
22 supportive housing for Medicaid waiver-eligible
23 individuals. The authority shall develop a joint
24 application process for the allocation of United
25 States housing and urban development HOME investment
26 partnerships program funding and the funds available
27 under this section. Moneys allocated to such projects
28 may be in the form of loans, forgivable loans, or a
29 combination of loans and forgivable loans.

30 b. The authority shall annually allocate moneys
31 available in the fund for the development of
32 infrastructure in which to provide supportive services
33 for Medicaid waiver-eligible individuals who meet the
34 psychiatric medical institution for children level of
35 care. Moneys allocated to such projects may be in the
36 form of loans, forgivable loans, or a combination of
37 loans and forgivable loans.

38 4. a. A project shall demonstrate written approval
39 of the project by the department of human services to
40 the authority prior to application for funding under
41 this section.

42 b. In order to be approved by the department
43 of human services for application for funding for
44 development of permanent supportive housing under this
45 section, a project shall include all of the following
46 components:

47 (1) Provision of services to any of the following
48 Medicaid waiver-eligible individuals:

49 (a) Individuals who are currently underserved
50 in community placements, including individuals who

1 are physically aggressive or have behaviors that
2 are difficult to manage or individuals who meet the
3 psychiatric medical institution for children level of
4 care.

5 (b) Individuals who are currently residing in
6 out-of-state facilities.

7 (c) Individuals who are currently receiving care in
8 a licensed health care facility.

9 (2) A plan to provide each individual with crisis
10 stabilization services to ensure that the individual's
11 behavioral issues are appropriately addressed by the
12 provider.

13 (3) Policies and procedures that prohibit discharge
14 of the individual from the waiver services provided by
15 the project provider unless an alternative placement
16 that is acceptable to the client or the client's
17 guardian is identified.

18 c. In order to be approved by the department
19 of human services for application for funding for
20 development of infrastructure in which to provide
21 supportive services under this section, a project shall
22 include all of the following components:

23 (1) Provision of services to Medicaid
24 waiver-eligible individuals who meet the psychiatric
25 medical institution for children level of care.

26 (2) Policies and procedures that prohibit discharge
27 of the individual from the waiver services provided by
28 the project provider unless an alternative placement
29 that is acceptable to the client or the client's
30 guardian is identified.

31 d. Housing provided through a project under this
32 section is exempt from the requirements of chapter
33 1350.

34 5. The authority, in collaboration with the
35 department of human services, shall adopt rules
36 pursuant to chapter 17A to administer this section.>

37 33. Page 234, line 10, after <housing> by inserting
38 <and services>

39 34. Page 249, lines 16 and 17, by striking <jointly
40 and severally>

41 35. By striking page 250, line 34, through page
42 251, line 23, and inserting:

43 <Sec. _____. Section 135.24, subsection 2, paragraphs
44 b and c, Code 2011, are amended to read as follows:

45 b. Procedures for registration of hospitals, free
46 clinics, field dental clinics, and specialty health
47 care provider offices.

48 c. Criteria for and identification of hospitals,
49 clinics, free clinics, field dental clinics, specialty
50 health care provider offices, or other health care

1 facilities, health care referral programs, or
2 charitable organizations, eligible to participate in
3 the provision of free medical, dental, chiropractic,
4 pharmaceutical, nursing, optometric, psychological,
5 social work, behavioral science, podiatric, physical
6 therapy, occupational therapy, respiratory therapy, or
7 emergency medical care services through the volunteer
8 health care provider program. A hospital, a clinic, a
9 free clinic, a field dental clinic, a specialty health
10 care provider office, a health care facility, a health
11 care referral program, a charitable organization, or
12 a health care provider participating in the program
13 shall not bill or charge a patient for any health care
14 provider service provided under the volunteer health
15 care provider program.

16 Sec. _____. Section 135.24, Code 2011, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 6A. A hospital providing free care
19 under this section shall be considered a state agency
20 solely for the purposes of this section and chapter 669
21 and shall be afforded protection under chapter 669 as a
22 state agency for all claims arising from the provision
23 of free care by a health care provider registered under
24 subsection 3 who is providing services at the hospital
25 in accordance with this section, if the hospital has
26 registered with the department pursuant to subsection
27 1.

28 Sec. _____. Section 135.24, subsection 7, Code 2011,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. *Oe.* "Hospital" means hospital as
31 defined in section 135B.1.>

32 36. Page 261, line 31, by striking <an independent>
33 and inserting <a>

34 37. By striking page 383, line 15, through page
35 384, line 6, and inserting:

36 <For the provision of a statewide public safety
37 radio network and the purchase of compatible radio
38 communications equipment with the goal of achieving
39 compliance with the federal communications commission's
40 narrowbanding mandate deadline, and for achieving
41 "interoperability", as defined in section 80.28:

42 FY 2011-2012.....	\$ 2,500,000
43 FY 2012-2013.....	\$ 2,500,000
44 FY 2013-2014.....	\$ 2,500,000

45 Of the amounts appropriated in this subsection,
46 the department of public safety may enter into a
47 public-private partnership, through a competitive
48 bidding process, for the provision of the statewide
49 network and the purchase of compatible equipment.

50 On or before January 13, 2012, the department of

1 public safety shall provide a report to the legislative
2 services agency and the department of management.
3 The report shall detail the status of the funds
4 appropriated in this subsection and shall include
5 the estimated needs of the departments of public
6 safety, corrections, and natural resources to achieve
7 interoperability and to meet the federal narrowbanding
8 mandate, any changes in estimated costs to meet those
9 needs, and the status of requests for proposals to
10 develop a public-private partnership.>
11 38. Page 439, line 24, by striking <10,804,258> and
12 inserting <8,504,258>
13 39. Page 443, line 9, by striking <years> and
14 inserting <year>
15 40. Page 443, line 10, by striking <and July 1,
16 2012,>
17 41. Page 468, line 27, by striking <years> and
18 inserting <year>
19 42. Page 468, line 28, by striking <and July 1,
20 2013,>
21 43. By renumbering as necessary.

WAGNER of Linn